

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

RICHARD P. COOK, PLAN TRUSTEE)
FOR YAHWEH CENTER, INC.,)
Appellant)
)
vs.) **JUDGMENT IN A CIVIL CASE**
) **CASE NO. 7:19-CV-111-M**
SUNTRUST BANK,)
)
)
Appellee.)

Decision by Court.

IT IS ORDERED, ADJUDGED, AND DECREED that (1) the Bankruptcy Court's order dismissing the claims in the Initial Complaint against SunTrust [DE-1-1] is AFFIRMED and (2) the Bankruptcy Court's order denying the Trustee leave to amend his pleading against SunTrust [DE-1-2] is AFFIRMED IN PART and REVERSED AND REMANDED IN PART.

For the avoidance of doubt regarding the latter, the Bankruptcy Court's order denying the Trustee leave to amend his pleading [DE-1-2] is: (1) REVERSED AND REMANDED only with respect to the constructive-fraud claims within the current proposed Amended Complaint that the Trustee seeks to bring against SunTrust based upon the NSF-fee assessments and payments, including the Trustee's 11 U.S.C. § 550(a) claim; and (2) AFFIRMED in all other respects.

This Judgment filed and entered on May 29, 2020, and copies to:

Richard Preston Cook (via CM/ECF electronic notification)

Amy P. Williams (via CM/ECF electronic notification)

Keaton Charles Stoneking (via CM/ECF electronic notification)

May 29, 2020

Peter A. Moore, Jr.

Clerk of Court

By:

Deputy Clerk

